

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed May 30, 2006. Claims 1-22 remain pending in the present application. Reconsideration and allowance of the application and pending claims are respectfully requested.

1. Response to Objections of the Specification

The Office Action provides guidelines which "are suggested for the applicant's use." Page 2. The guidelines mention that section headings may be included if no text is to follow the section heading, the phrase "Not Applicable" should follow the section heading. The MPEP also mentions that the "guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use." In lieu of this approach, Applicant has omitted the heading in its entirety when the respective heading was not applicable to the present application.

While Applicant acknowledges the suggestions made in the Office Action and the MPEP, these do appear to indicate a preferred style and not required rules. Therefore, Applicant respectfully requests withdrawal of the objection, since it is believed that the specification complies with patent rules.

2. Response to Objections of the Claims

Claims 4, 6, 7, 8, and 9 have been objected to because of improper dependent form. Claims 4, 6, 7, 8, and 9 have been amended to overcome the rejection. Therefore, Applicant respectfully requests withdrawal of the objection.

Claim 12 has been objected to because a preamble is allegedly missing from the claim. Applicant respectfully traverses the objection since the language "A relational database" in claim 12 is a preamble for the claim. Further the portions of the MPEP cited in the Office Action are directed to whether a preamble should limit the scope of a claim and do not specify any mandatory requirements for a preamble. See page 8 and MPEP 2111.02. For at least these reasons, Applicant respectfully requests withdrawal of the objection to claim 12.

3. Response To Rejections of Claims Under 35 U.S.C. § 101

Claims 1, 12, and 19-22 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter and more specifically allegedly directed to abstract ideas.

With regard to claim 1, Applicant traverses the rejection, since claim 1 recites "(a) parsing a hierarchical document," "(b) associating a unique identifier with respective parsed nodes of the document which includes information about the hierarchical position of the node in the document," and "(c) storing the node with its identifier in a table of a relational database," which is a claimed limitation to a practical application. Accordingly, the claimed subject matter parses a document, associates a unique identifier that includes hierarchical position information with a parsed node, and stores the node and identifier in a table. Therefore, claimed subject matter transforms data from a document into a table and produces a stored table. Therefore, the claimed subject produces "a useful, concrete and tangible result" and complies with 35 U.S.C. § 101. See MPEP 2106 and *State Street Bank & Trust Co. v. Signature Financial Group*, 149 F.3d 1368 (Fed. Cir. Jul. 23, 1998) ("Today, we hold that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result'-a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.")

For similar reasons, claims 12 and 19-22 also comply with 35 U.S.C. § 101. Applicant respectfully requests withdrawal of these rejections, as well. Further, with respect to claims 20-22, the claims are directed to a computer readable medium carrying a program executed by a computer which is statutory subject matter. For example, "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the medium which permit the data structure's functionality to be realized, and is thus statutory." See MPEP 2106.

4. Response To Rejections of Claims Under 35 U.S.C. § 102

Claims 1-22 have been rejected under 35 U.S.C. § 102(a) as being anticipated by *Tatarinov* ("Storing and Querying Ordered XML Using a Relational Database System"). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed subject matter must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(a). In the present case, not every feature of the claimed subject matter is represented in the *Tatarinov* reference. Applicant discusses the *Tatarinov* reference and Applicant's claims in the following.

a. Claim 1

As provided in independent claim 1, Applicant claims:

A method of storing a hierarchical document in a relational database comprising:

- (a) parsing a hierarchical document;
- (b) associating a unique identifier with respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document; and**
- (c) storing the node with its identifier in a table of a relational database.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Tatarinov* does not disclose, teach, or suggest at least "associating a unique identifier with respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document," as recited and emphasized above in claim 1.

Rather, *Tatarinov* appears to disclose a global order encoding scheme where each node is "assigned a number that represents the node's absolute position in the document. For example, an element's position can be encoded as the byte offset of its opening tag from the beginning of the document." Therefore, if an element is assigned a "4," it is known that the element has 3 other nodes before it in the document order. However, it is not known at what depth the element is located in

the document. To determine this in *Tatarinov*, each of the locations of the elements before the present element has to be determined, where an "ID of the last descendant of a node" may also be used to determine this information. Accordingly, a hierarchical position of a node in a document is not able to be identified absolutely from a unique identifier of a node in *Tatarinov*.

Thus, *Tatarinov* fails to teach or suggest at least "associating a unique identifier with respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document." As a result, *Tatarinov* does not teach or suggest at least all of the claimed features of claim 1. Therefore, claim 1 is not anticipated by *Tatarinov*, and the rejection should be withdrawn for at least this reason alone.

b. Claims 2-11

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-11 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-11 contain all the features of independent claim 1. For at least this reason, the rejections of claims 2-11 should be withdrawn.

c. Claim 12

As provided in independent claim 12, Applicant claims:

A relational database comprising
a table having an node field for storing an node of a hierarchical document;

an identifier field for storing an identifier associated with each respective node stored in the node field, wherein the identifier identifies, absolutely, the hierarchical position of the node in the document.

(Emphasis added).

Applicant respectfully submits that independent claim 12 is allowable for at least the reason that *Tatarinov* does not disclose, teach, or suggest at least "an identifier field for storing an identifier associated with each respective node stored in the node field, wherein the identifier identifies, absolutely, the hierarchical position of the node in the document," as recited and emphasized above in claim 12.

Rather, *Tatarinov* appears to disclose a global order encoding scheme where each node is "assigned a number that represents the node's absolute position in the document. For example, an element's position can be encoded as the byte offset of its opening tag from the beginning of the document." Therefore, if an element is assigned a "4," it is known that the element has 3 other nodes before it in the document order. However, it is not known at what depth the element is located in the document. To determine this in *Tatarinov*, each of the locations of the elements before the present element has to be determined, where an "ID of the last descendant of a node" may also be used to determine this information. Accordingly, a hierarchical position of a node in a document is not able to be identified absolutely from a unique identifier of a node in *Tatarinov*.

Thus, *Tatarinov* fails to teach or suggest at least "an identifier field for storing an identifier associated with each respective node stored in the node field, wherein the identifier identifies, absolutely, the hierarchical position of the node in the document." As a result, *Tatarinov* does not teach or suggest at least all of the claimed features of claim 12. Therefore, claim 12 is not anticipated by *Tatarinov*, and the rejection should be withdrawn for at least this reason alone.

d. Claims 13-18

Because independent claim 12 is allowable over the cited art of record, dependent claims 13-18 (which depend from independent claim 12) are allowable as a matter of law for at least the reason that dependent claims 13-18 contain all the features of independent claim 12. For at least this reason, the rejections of claims 13-18 should be withdrawn.

e. Claim 19

As provided in independent claim 19, Applicant claims:

A method of writing a hierarchical document comprising:

(a) reading data from a relational database which is representative of nodes of a hierarchical document[[,]];

(b) generating predetermined software events for respective read nodes; and

(c) *passing the software events to a content handler which is arranged to translate each software event into a written node of the hierarchical document, each written node being associated with a unique identifier which identifies, absolutely,*

the hierarchical position of a respective written node in the document.

(Emphasis added).

Applicant respectfully submits that independent claim 19 is allowable for at least the reason that *Tatarinov* does not disclose, teach, or suggest at least “passing the software events to a content handler which is arranged to translate each software event into a written node of the hierarchical document, each written node being associated with a unique identifier which identifies, absolutely, the hierarchical position of a respective written node in the document,” as recited and emphasized above in claim 19.

Rather, *Tatarinov* appears to disclose a global order encoding scheme where each node is “assigned a number that represents the node’s absolute position in the document. For example, an element’s position can be encoded as the byte offset of its opening tag from the beginning of the document.” Therefore, if an element is assigned a “4,” it is known that the element has 3 other nodes before it in the document order. However, it is not known at what depth the element is located in the document. To determine this in *Tatarinov*, each of the locations of the elements before the present element has to be determined, where an “ID of the last descendant of a node” may also be used to determine this information. Accordingly, a hierarchical position of a node in a document is not able to be identified absolutely from a unique identifier of a node in *Tatarinov*.

Thus, *Tatarinov* fails to teach or suggest at least “passing the software events to a content handler which is arranged to translate each software event into a written node of the hierarchical document, each written node being associated with a unique identifier which identifies, absolutely, the hierarchical position of a respective written node in the document.” As a result, *Tatarinov* does not teach or suggest at least all of the claimed features of claim 19. Therefore, claim 19 is not anticipated by *Tatarinov*, and the rejection should be withdrawn for at least this reason alone.

f. Claim 20

As provided in independent claim 20, Applicant claims:

A computer readable medium carrying a program which when executed on a computer causes storing of a hierarchical document in a relational database by:

- (a) parsing a hierarchical document;
- (b) associating a unique identifier with respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document;** and
- (c) storing the node with its identifier in a table of a relational database.

(Emphasis added).

Applicant respectfully submits that independent claim 20 is allowable for at least the reason that *Tatarinov* does not disclose, teach, or suggest at least “associating a unique identifier with respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document,” as recited and emphasized above in claim 20.

Rather, *Tatarinov* appears to disclose a global order encoding scheme where each node is “assigned a number that represents the node’s absolute position in the document. For example, an element’s position can be encoded as the byte offset of its opening tag from the beginning of the document.” Therefore, if an element is assigned a “4,” it is known that the element has 3 other nodes before it in the document order. However, it is not known at what depth the element is located in the document. To determine this in *Tatarinov*, each of the locations of the elements before the present element has to be determined, where an “ID of the last descendant of a node” may also be used to determine this information. Accordingly, a hierarchical position of a node in a document is not able to be identified absolutely from a unique identifier of a node in *Tatarinov*.

Thus, *Tatarinov* fails to teach or suggest at least “associating a unique identifier with respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document.” As a result, *Tatarinov* does not teach or suggest at least all of the claimed features of claim 20. Therefore, claim 20 is not anticipated by *Tatarinov*, and the rejection should be withdrawn for at least this reason alone.

g. Claim 21

As provided in independent claim 21, Applicant claims:

A computer readable medium carrying a program which when executed on a computer causes storing of a hierarchical document in a relational database by:

- (a) receiving software events representing respective parsed nodes of a hierarchical document;
- (b) associating a unique identifier with the respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document;** and
- (c) storing the node with its identifier in a table of a relational database.

(Emphasis added).

Applicant respectfully submits that independent claim 21 is allowable for at least the reason that *Tatarinov* does not disclose, teach, or suggest at least “associating a unique identifier with the respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document,” as recited and emphasized above in claim 21.

Rather, *Tatarinov* appears to disclose a global order encoding scheme where each node is “assigned a number that represents the node’s absolute position in the document. For example, an element’s position can be encoded as the byte offset of its opening tag from the beginning of the document.” Therefore, if an element is assigned a “4,” it is known that the element has 3 other nodes before it in the document order. However, it is not known at what depth the element is located in the document. To determine this in *Tatarinov*, each of the locations of the elements before the present element has to be determined, where an “ID of the last descendant of a node” may also be used to determine this information. Accordingly, a hierarchical position of a node in a document is not able to be identified absolutely from a unique identifier of a node in *Tatarinov*.

Thus, *Tatarinov* fails to teach or suggest at least “associating a unique identifier with the respective parsed nodes of the document which identifies, absolutely, the hierarchical position of the node in the document.” As a result, *Tatarinov* does not teach or suggest at least all of the claimed features of claim 21. Therefore, claim 21 is not anticipated by *Tatarinov*, and the rejection should be withdrawn for at least this reason alone.

h. Claim 22

As provided in independent claim 22, Applicant claims:

A computer readable medium carrying a program which when executed on a computer causing writing of a hierarchical document by:

(a) reading data from a relational database which is representative of nodes of a hierarchical document;

(b) generating predetermined software events for respective read nodes; and

(c) passing the software events to a content handler which is arranged to translate each software event into a written node of the hierarchical document, each written node being associated with a unique identifier which identifies, absolutely, the hierarchical position of a respective written node in the document.

(Emphasis added).

Applicant respectfully submits that independent claim 22 is allowable for at least the reason that *Tatarinov* does not disclose, teach, or suggest at least “passing the software events to a content handler which is arranged to translate each software event into a written node of the hierarchical document, each written node being associated with a unique identifier which identifies, absolutely, the hierarchical position of a respective written node in the document,” as recited and emphasized above in claim 22.

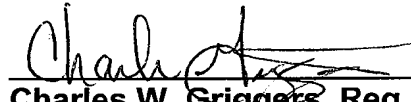
Rather, *Tatarinov* appears to disclose a global order encoding scheme where each node is “assigned a number that represents the node’s absolute position in the document. For example, an element’s position can be encoded as the byte offset of its opening tag from the beginning of the document.” Therefore, if an element is assigned a “4,” it is known that the element has 3 other nodes before it in the document order. However, it is not known at what depth the element is located in the document. To determine this in *Tatarinov*, each of the locations of the elements before the present element has to be determined, where an “ID of the last descendant of a node” may also be used to determine this information. Accordingly, a hierarchical position of a node in a document is not able to be identified absolutely from a unique identifier of a node in *Tatarinov*.

Thus, *Tatarinov* fails to teach or suggest at least “passing the software events to a content handler which is arranged to translate each software event into a written node of the hierarchical document, each written node being associated with a unique identifier which identifies, absolutely, the hierarchical position of a respective written node in the document.” As a result, *Tatarinov* does not teach or suggest at least all of the claimed features of claim 22. Therefore, claim 22 is not anticipated by *Tatarinov*, and the rejection should be withdrawn for at least this reason alone.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles W. Griggers", is written over a horizontal line.

Charles W. Griggers, Reg. No. 47,283